IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8545 of 1992

For Approval and Signature:

Hon'ble MISS JUSTICE R.M. DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SHIVABHAI R PATEL

Versus

STATE OF GUJARAT

Appearance:

MR YN OZA for Petitioner

MR PREMAL JOSHI AGP for Respondent No. 1, 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 06/10/2000

ORAL JUDGEMENT

The petitioner, a Deputy Executive Engineer, challenges the order of suspension dated 26th November, 1992. On 21st December, 1992, this Court [Coram : N.B Patel, J.] had made the following order :-

`Rule.

It is well established that suspension is the last resort measure and should not be lightly resorted to. In the facts and circumstances of the case, and bearing in mind the nature of the charge against the petitioner, as it stands today, coupled with the inordinate delay of about 5 or 6 years in passing the suspension order and the fact that the Superintending Engineer had control over the petitioner, the case is fit for grant of interim relief.

In the circumstances, by way of interim relief, the implementation and operation of the suspension order is stayed and the respondents are directed to permit the petitioner to resume duty.'

Thus, the impugned order of suspension has remained inoperative since 21st December, 1992. In view of passage of time, there shall be no justification in permitting to operate the impugned order after nearly eight years. Petition is, therefore, allowed in terms of the order dated 21st December, 1992. Rule is made absolute accordingly. The parties shall bear their own costs.

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Prakash*